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16 **IN THE UNITED STATES DISTRICT COURT**

17 **FOR THE DISTRICT OF NEVADA**

18 JENNIFER NUNES, a Nevada citizen,
19 DENNYS SIAN, a Nevada citizen, RAMONA
WELLS, a Nevada citizen; JAYSON
20 MORGAN, a Nevada citizen, and KEYATRA
GRANT, a Nevada citizen

21 Plaintiffs,

22 v.

23 AFFINITYLIFESTYLES.COM, INC. dba Real
Water, a Nevada corporation, ROE Defendants
24 1-100.

25 Defendants.

Case No.: 2:16-cv-02265-APG-NJK

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER REVISED PER
ORDER [DOCUMENT 24]
[Fed. R. Civ. P. 26(f); LR 26-1]**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

26 Plaintiffs Jennifer Nunes, Dennys Sian, Ramona Wells, Jayson Morgan and Keyatra Grant
27 ("Plaintiffs") and Defendant Affinitylifestyles.com, Inc. dba Real Water ("Defendant") (together,
28

1 the "Parties") hereby jointly submit this Stipulated Discovery Plan and Scheduling Order pursuant
2 to Federal Rule of Civil Procedure 26(f) and District of Nevada Local Rule 26-1.

3 **I. INTRODUCTION**

4 On August 15, 2016, Plaintiffs filed this putative class action in the Eight Judicial District
5 Court, Clark County, Nevada, alleging that Defendant's improperly labeled their bottled water
6 product (*See* Dkt. No. 8-2.) On September 27, 2016, Defendant removed the action to this Court
7 pursuant to 28 U.S.C. Sec. 1441(a) (*See* Dkt. No. 2.). On October 21, 2016, Plaintiff filed a motion
8 to remand (*See* Dkt. No. 13).

9 On October 4, 2016, Defendant moved to dismiss the Complaint in its entirety and strike the
10 class allegations (*See* Dkt. No. 8.) Plaintiff opposed these motions. (*See* Dkt. No. 11). Defendant
11 filed a reply brief (*See* Dkt. No. 15.)

12 The Parties hereby jointly submit this Stipulated Discovery Plan and Scheduling Order to
13 comply with Local Rule 26-1(a) based on a November 2, 2016 meeting of all counsel.

14 **II. REQUEST FOR SPECIAL SCHEDULING REVIEW**

15 Pursuant to District of Nevada Rule 26-1(b)(1), "discovery periods longer than one hundred
16 eighty (180) days from the date the first defendant answers or appears will require special
17 scheduling review." Defendant first appeared on September 27, 2016, by removing the action to
18 this Court. (*See* Dkt. No. 2.) The 180-day period specified under District of Nevada Rule 26-
19 1(b)(1) will expire on March 26, 2017. However, because of the nature of the issues involved in
20 this litigation, including the putative class-action allegations, the Parties hereby respectfully request
21 a Special Scheduling Review to address the discovery deadlines.

22 **III. DISCOVERY PLAN AND SCHEDULE**

23 **A. Fed. R. Civ. P. 26(a)(1) Disclosures**

24 The disclosures required under Federal Rule of Civil Procedure 26(a)(1) shall be exchanged
25 on or before November 16, 2016.
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1 **B. Subjects of Discovery**

2 It is difficult to fashion precisely all subjects of discovery at this early stage since the
3 Court's resolution of Defendant's motion to dismiss and/or strike could alter the scope of discovery.
4 However, discovery is expected to include developing the merits of Plaintiff's class claims and
5 discovery of issues related to class certification.

6 **C. Discovery Cut-Off Date**

7 Fact discovery to be completed by March 26, 2017. Discovery cut-off of September 17,
8 2017, with the exception that expert discovery shall remain open for at least 45 days after entry of
9 the Court's order resolving Plaintiff's motion for class certification.

10 **D. Amending the Pleadings and Adding Parties**

11 Deadline for Amending Pleadings and Adding Parties is June 29, 2017.

12 **E. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)**

13 All parties' expert reports deposited by July 19, 2017. Rebuttal reports due August 18,
14 2017.

15 **F. Electronically Stored Information ("ESI")**

16 The Parties shall meet and confer on ESI discovery and enter into an ESI discovery protocol
17 setting forth the guidelines concerning ESI discovery.

18 **G. Privileges and Protection**

19 The Parties shall enter into a stipulated protective order applicable to private, confidential,
20 proprietary, or competition-sensitive information. Defendant to prepare initial draft by November
21 9, 2016 and any dispute regarding it will be submitted to the Magistrate Judge for early resolution.

22 **H. Dispositive Motions**

23 **1. Motions for Summary Judgment**

24 Pursuant to District of Nevada Rule 7-2(b) and Federal Rule of Civil Procedure 56(b), the
25 deadline to file motions for summary judgment shall be thirty (30) days after the close of all
26 discovery.
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1 **2. Motion for Class Certification**

2 Plaintiffs' motion for class certification to be filed by June 29, 2017. Defendant shall have
3 45 days to oppose Plaintiffs' Motion for Class Certification.

4 **I. Pretrial Order**

5 As set forth in District of Nevada Rule 26-1(b)(5), the joint pretrial order shall be filed no
6 later than thirty (30) days after the deadline for filing dispositive motions. In the event dispositive
7 motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days
8 after a decision on the dispositive motions or further order of the Court.

9 **J. Fed. R. Civ. P. 26(a)(3) Disclosures**

10 As set forth in District of Nevada Rule 26-1(b)(6), the disclosures required by Federal Rule
11 of Civil Procedure 26(a)(3), and any objections thereto, shall be included in the pretrial order.

12 **K. Alternative Dispute Resolution**

13 As required under District of Nevada Rule 26-1(b)(7), the parties certify that they met and
14 conferred about the possibility of using alternative dispute-resolution processes including
15 mediation, arbitration, and if applicable, early neutral evaluation. The parties believe alternative
16 dispute resolution processes are premature at this time.

17 **L. Alternative Forms of Case Disposition**

18 As required under District of Nevada Rule 26-1(b)(8), the parties certify that they considered
19 consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of
20 the Short Trial Program. The parties do not consent to trial by magistrate judge or use of the Short
21 Trial Program.

22 **M. Electronic Evidence**

23 As required under District of Nevada Rule 26-1(b)(9), the parties certify that they discussed
24 whether they intend to present evidence in electronic format to jurors for the purposes of jury
25 deliberations. The Parties shall meet and confer further on this topic, including in an effort to reach
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1 stipulations regarding providing discovery in an electronic format compatible with the Court's
2 electronic jury evidence display system.

3 Dated this 14th day of December, 2016.

4 Respectfully Submitted,

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Inc. dba Real Water

21 IT IS SO ORDERED.

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23 
24 NANCY J. KOPPE
United States Magistrate Judge

25 Dated: December 16, 2016
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